15

GOVERNMENT OF PALESTINE

Gen. 2

Registry No.

G.A. 28/56

Other files dealing with same Subject

GA. 34/1-16

A.G. 537/34+3

SUBJECT.

Land Case no. 84/32 Abdul Fattah Saba - A.G. 34/1 Part 5

GPP. 315—30,000—23-1-36—99/8.

Referred to	Date	Referred to	Date	Referred to	Date

This is a Mahlus case which has been transferred with the court to Mahlus to be heard there. Issues will be settled in Mahlus on 27.9.39 instead of at Hailo on 17.9.39

[illegible]
22.9.50

G.A. 28/56 (Temporary Tracket).

Gholai Mirka Mashai Land.

G.A. 28/56 (Temporary Tracket)

GOVERNMENT OF PALESTINE

IN REPLY PLEASE QUOTE
No. Case 5/Ghabat Miska.
(GP/5/2)

DEPARTMENT OF LAND SETTLEMENT.
JERUSALEM.

30th June, 1940.

BY HAND.

Crown Counsel.

Subject:- Ghabat Miska Masha' land
Action 50/38.

Reference: Your C.C.28/56-6714 dated
25th June, 1940.

Your file No.GA.34/1/16 is returned herewith with thanks. The other file GA.28/58 is being retained by me and will be returned to you when no longer required by this office.

for DIRECTOR OF LAND SETTLEMENT.

A.

G.A. 28, 58-6714.

BY HAND.

25th June, 1940.

Director of Land Settlement.

Subject:- Ghabat Miske Masha' Land Action 50/58.

Reference: Your 5/Ghabat Miske(GP/5/2) of 22.6.40.

---- I forward herewith my files Nos. G.A. 28/58 and G.A. 34/1/16 and shall be glad if they are returned to me when they have served their purpose.

(Sgd.) M. J. Hogan

CROWN COUNSEL.

P.A. 187

GOVERNMENT OF PALESTINE

Gen. 7

Registry No.

GA. 26/2/112.

Other files dealing with same Subject

SUBJECT.

Gaza Exam. Mag's file No. 1070/38. – A.G. v. Ahmed Nasr Abu Daqlaib of Khan Yunus – Stealing.

GPP. 818—80,000—23-1-38—22/3.

Referred to	Date	Referred to	Date	Referred to	Date

P. A.	Date

GA. 26/2/112.

GOVERNMENT OF PALESTINE

IN REPLY PLEASE QUOTE
No. Case No. 5/Ghabat Miske.
(GP/5/2)

DEPARTMENT OF LANDS & ~~SURVEYS~~ Settlement,
JERUSALEM.

22nd June, 1940.

GOVERNMENT OF PALESTINE
CROWN COUNSEL
24 JUN. 1940
G.A. 28/56
NEW RUSSIAN BUILDINGS
JERUSALEM

Crown Counsel.

Subject:- Ghabat Miske Masha' Land Action 50/38.
Reference: Your G.A.28/56 dated 23rd March, 1940.

This case has now been returned to the Settlement Officer for re-hearing and has been fixed for the 1st of July, 1940.

2. I should be obliged if your files relating to this case could be forwarded to me with bearer.

URGENT.

Naim Bey

DIRECTOR OF LAND SETTLEMENT.

25.6.40
P.S. send to G.S.
this file together
with any other old
file re the settlement
in Miskeh village
in case of any
25.6.40

C.A.28/56 - 4.58

23rd March 1940.

Commissioner for Lands and Surveys.

Subject:- Ghabet Miskeh Mashaa Land Action No. 50/38 (Nablus).

Reference:- Your GP/5/2. of 14.3.40.

Subsequent to my letter of the 30th January 1940, the Land Court Nablus granted leave for the withdrawal of the above action under section 6 of the Land (Settlement of Title) Ordinance.

2. A thorough search has been carried out in this office and that of Mr. Kantrovitch to trace your file No. GP/5/2, but all efforts have been abortive.

(Sgd.) E. P. BELL

CROWN COUNSEL.

NT/AK

P.A.
99

A.G.'s file No. AG/537/34-3
returned on 11.4.40

Khalil Eff.

Would you please phone the Official Receiver's office tomorrow (Saturday) and ask Mr. Calucanti whether they have the Comm. for hands's file No. CP/5/2 in connection with this case, as Mr. Kantovitch may have dealt with it in its early stages.

N.B. I have spoken to Anos, and it is not in the Ref.'s office.

Please inform Mr'im Bey of the result.

22/3

Y.

PALESTINE LAW F

N.B. Each candidate is
the cover of his/h

(a) Subject.
(b) Candidate's N

In no case
name in any part of the
directed to do so.

CIVI RO

TIME ALLOWED THREE HOUR
ALL EIGHT QUESTIONS MUS
EQUAL MARKS WILL BE ALL

.....

Q.1. What are the

(1) a Distric
(2) a Land Co
(3) a Magistr

~~Ahmed eff.~~
Mr Seller

Before passing the ~~letter~~ enclosed letter to the Crown Counsel for approval, will you please make sure that the Commissioner for Lands' file No GP/5/2 is neither in our office nor in the hands of the

A. Nur Ali Khan Lindsay
Nairobi 9.2.60

C.C.

In spite of my note dated 9.3.40 to Mr Scher to trace the ~~see~~ file of the Comm. for Lands, it seems that no action has been taken to trace it

Kunstgat Paalum
& met Shiten pit
Mughal, Remat Dami
Jaler 14.11.37

GOVERNMENT OF PALESTINE

IN REPLY PLEASE QUOTE
No. GP/5/2

DEPARTMENT OF LANDS & SURVEYS,
JERUSALEM.

14th March 1940.

Crown Counsel.

Subject:- Ghabat Miska Masha' Land
Action No.50/38 (Nablus).

Reference: Your letter No.G.A.28/56-1081
dated 30th Jan., 1940.

I shall be obliged if you will let me know what is the position of the above case.

Naim Bey
18/3 Y.

A/COMMISSIONER OF LANDS
AND SURVEYS.

Copy to Settlement Officer,
Tulkarm Settlement Area.
Ref. his 5/Ghabat Miska of 17th
Nov. 1939.

P.

تقيم :

CA28/56

الموضوع : قضية الخارجي ٢٤/٨٤ طولكرم

لقد تقرر من فخامة محمد رضى نابلسى المفوض
في طولكرم بتاريخ ٦/٢/٩٤٠ الموافقة
على احالة هذه القضية الى محكمة الشورى

٦/٢/٤٠

٢٠٥

(ان تحقيقه القضاء بدعوى محمد ابراهيم
بحق المادة ٦ من قانون تسوية الاراضي
باب ٨٠/ لسنة ١٩٥٩) لا يعد من القضية

التماس هذه الارض الذي هو موضوع هذه
الدعوى اعلنت منطقة تسوية

نتيجة
سكه

بناء على
٦٠/

GOVERNMENT OF PALESTINE.

Tel. Address: Legality, Jerusalem

In reply please quote
No. .....

GOVERNMENT ADVOCATE'S OFFICE
LAW COURTS, JERUSALEM.

توقف الدعاوى
بعد فسخ الإعلان

رقم ٦٨ لسنة

مادة ٦ (١) فلو نقضت عن هذه المادة لا يمنع دعوى

المدعى محمد أراض أو محمد نظامي بشأن المقصود

في الأراضي الواقعة في ... في

إعلان بالدعوى في السوق ... الذي

جدول المقصود وفقاً لأحكام المادة ٧٧ ... ينظر

في مثل دعوى أخرى حتى في الإعلان ... فيما

المدعى المذكور في الدعوى في السوق ... في

أو يجوز رجوع بالمدعي أحكام هذه

وشرط في ذلك المدة لا يمنع

المدعى محمد الأراضي أو محمد نظامي

أمام رؤية دعوى لم يثبت فيها

تاريخ زراعة الأرض في السودان

(٢) إن تحية الدعوى قد يسوغ بها لدى النظر
في أي دعوى تتعلق بالتعاقد لدى المحاكم

ناحية السودان

لا نفيذ في أي طلب منح عقد قانوني

(٣) تعجيل تحديدات الأراضي لسنة ٩٢٦ لتصحيح أو تعديل
المساحات الحالية في أي قرية أو أراضي في

أعمال الأراضي في السودان ويجوز أن يجب
أي طلب تقدم من الأعلى أو الأقصى قانوني
أسباب إذا لم يتسبب في الأراضي في السودان

سنة ٩٢٠
٩٢٦
٩٢٦

هو الكلوب: ١) هل يصلح الكلوب لصنع

٢) خبز فقط

الوظائف: هل يصلح لصنع الخبز

الأرض

شارع عادي

الكلوب

٢٤

لا يوجد شارع

عبد الباقي فقط

٢٢/١١/٢٠

نشر جريدة يوم ١٦/١١/٩٢٢

٤٩/٥/٢

GOVERNMENT OF PALESTINE.

Tel. Address: Legality, Jerusalem

In reply please quote

No.....

GOVERNMENT ADVOCATE'S OFFICE

LAW COURTS, JERUSALEM.

Settlt. of Issues

50/38

Before: Shehadeh, J.

9th Oct. 1939.

For all plaintiffs: Walid Eff Salah.
For Deft. 1—11 & 14: No appearance — served.
Defts. 12 & 13: in person.
Najib Eff.: Said for Govt as 3rd. Party.

Walid Eff. Salah. This is the second time that defts. did not appear & asks case to proceed.

Najib Eff: No objection to proceed.

Defts 12 & 13: ask case to proceed.

Walid Eff. Salah: No. issues are necessary. Case should start where left of.

ORDER. It is serfer to determine issues, especially as There is a new party.

Walid Eff. Salah: I maintain first: that the lands in question are a special kind of Mashaa i.e. they devolve on male members of the community who can plough.

2nd: Such lands cannot be mortgaged.
3rd: Registrations in the Talu does not imply ownership but it is only in the way of nourices for the whole village.
4th: Mortgage by defs 2—10 is improper because they do not in fact own land nor were they ever in possession of it.
5th: Deft No. 1 cannot plead Bona fide or no notice of defect of title because he had full notice & knowledge of facts.

Def. 13 — Abd El Hafidh Elgahd: — This land is Mashaa by male tenure and no right for Nur defts to mortgage. In substance I agree with pl.

Def. 14 — I also agree with def. 13 & with pl. &

Najib Eff. — said for third party: repeated statement of defence submitted by Crown Counsel and served on pl.

Walid Eff. says: In substance I agree with the statement of defence especially in (3) that I need not cite A.G. as 3rd party. I never did originally nor do I desire it now. They can withdraw whenever they like. If they do not ask any costs against them.

Najib Eff: Asks for adjournment to ask A.G. by telephone - few minutes adjournment given

Case continued.

Nijil Eff: I do not desire to withdraw from case. I insist that case should be struck out. Nothing to add to statement of Defence.

Statement of Defence of Def. 1 & 2–11 read.

Issues of Law:

(1) Whether Mashaa by male tenure as alleged by plaintiff is valid in Palestine.

~~(2)~~

Issues of fact:

(1) The nature of tenure in the lands in question whether it is ordinary mashaa or Mashaa by male tenure

P.T.O.

(2) Whether registration in the tapu represents true possition & defs. are only nominees for the village & have in breach of trust transferred from original nominees.

(3) Is mortgage bonafide & without notice or not?

(4) The facts of possession in the case.

(Sgd) S. Shehadeh.

Walid Eff.: agrees on the above issue; only reserves right against A.G. for inconsistency in his application.

Parties told to have all evidence ready to Court. They said they will submit names of witnesses later to Registrar.

Case to go to Court on above issues.

Oct. 9th, 1939. (Sgd) S. Shehadeh.

وكيل الدعوى : لا نزوم بيانه موضوع الدعوى لوزارة الزراعة والري

١ - المشاع قرية سقه هو مشاع مخصوص بالذكر [illegible]
وانه وحدة الحق لا تشمل الاورثة وانه يقتصر
باحكم لهم بملكية المشاع . وانه لا يجوز رفع
دعوى بنوع خاص .

٢ - قيد في باسم المشاع اشخاصا معينا فقط والمكلف باسمهم
مالكية الحصة . وانه ذكر القيد [illegible] كما انهم عند الاقرار

٣ - وانه حدود المدعى عليهم هذا ارض
وهذه اثبات ان المدعى عليه الاول

٤ - وشرح المدعى عليهم [illegible]
ان المدعى عليهم الاول وهذا اعتراف
لانهم ليس مالكين بالارض كما وانهم لم
يتصرفوا بالارض [illegible]
ولكن ما دام المدعى عليه الاول لا يملك وقوة
[illegible] هذه الحقوق [illegible]

[illegible]

[illegible] [illegible] [illegible]

G.A.28/56 - 1081.

30th January 1940.

Commissioner for Lands and Surveys.

Subject:- Ghabet Miska Masha' Land Action No.50/38 (Nablus).

Reference:- Your GP/5/2 of 24.1.40.

On 2.1.40 anotice of motion was filed in the Land Court Nablus for the withdrawal of the action under section 6 of the Land (Settlement of Title) Ordinance, and the 6th of March 1940 has been fixed by the Land Court, Nablus for the hearing of the notice of Motion at Tulkarm.

2. I would like to point out that the Court number, 50/38, is the number of a land action and not of a land appeal.

3. I will let you know of the result in due course.

(Sgd.) E. P. BELL
CROWN COUNSEL.

NT/AK

P.A.

sent 30/1.

GOVERNMENT OF PALESTINE

IN REPLY PLEASE QUOTE
No. GP/5/2

DEPARTMENT OF LANDS & SURVEYS,
JERUSALEM.

24th January, 1940.

GOVERNMENT OF PALESTINE
CROWN COUNSEL
27 JAN. 1940
G.A. 28/56
NEW RUSSIAN BUILDINGS
JERUSALEM

Crown Counsel.

Subject:- Ghabet Miska Masha' Land Appeal 50/38(Nablus).

Reference: My GP/5/2 of 14.12.39.

I should be obliged if you would let me know what action, if any, was taken by you on my above quoted letter.

A/COMMISSIONER OF LANDS
AND SURVEYS.

A.

Naim Bey
27.1

GA28/56

2nd January 1940

Registrar,
Land Court,
Nablus.

Subject:- Land Action No.50/38.

I enclose herewith a Notice of Motion in the abovementioned case, together with copies thereof, and shall be glad if it may be filed in the usual way.

(Sgd.) E. P. BELL

CROWN COUNSEL.

P.A.

NT/AK

Sent 3/1

G.A.28/56

In the Land Court of ~~Haifa~~ Nablus.

Land Action No. 80/38.

1. Abdel Fattah el-Jabr
2. Aref Mahmoud Taha
3. Mohammad ed-Dib
of Maskeh village, Tulkarm Sub-District, represented by Walid Salah, Advocate, through Jamal Hamid's Office, Advocate, Kingsway, Haifa. PLAINTIFFS

v.

1. Aron Mas'ud, represented by Mr. T. Aden, Advocate, Jerusalem.
2. Yousef Muhammad el Khateeb
3. Saleh " "
4. Muhammad " "
5. Salha " "
6. Amina " "
7. Sara " "
8. Halimeh " "
9. Safia " "
10. Sara Bint Ahmad el-Salameh
All represented by Mr. Y. Amon, Advocate, Jerusalem.

11. Hassan Ibn Hussein Ismail el-Abdallah represented by Mr. Kliash, M. Mehaty, and I. Olshan, Advocates, Jerusalem.
12. Abd Al-Hafez Suhud of Miskeh village
13. Ahmad Mahmoud Ali Dahmash of Miskeh village
14. Ahmad Yousef Jabr " " DEFENDANTS

Attorney General - THIRD PARTY

NOTICE OF MOTION.

Take notice that the Court will be moved on the day of at o'clock in the forenoon or so soon thereafter as counsel can be heard by the abovenamed Third Party that leave may be granted for the withdrawal of the above action under section 6 of the Land (Settlement of Title) Ordinance Cap.80 Drayton, Vol.II p.855, on the ground that notification of the settlement of the area in which the land in dispute is situated has been published.

Dated this 19th day of December 1939.

CROWN COUNSEL.

To: 1. Walid Eff. Salah, Advocate, Haifa.
2. Tawfiq Eff. Adas, Advocate, Jerusalem.
3. Y. Eff. Amon, Advocate, Jerusalem.
4. Mr. Kliash, Advocate, Jerusalem
5. Abdul Hafez Suhud of Miskeh village
6. Ahmad Mahmoud Ali Dahmash of Miskeh village
7. Ahmad Yousef Jaber of Miskeh village.

P.A.

NT/AK

Translation

In the Land Court of Kenya.

Case Petition No. 49/53

1. Abdul Jabbar al-Nabi
2. Syed Hussein Shah
3. Muhammad Ali
of Kisumu villages, Nyanza Sub-Location,
Represented by Sajad Ahmad, Advocate,
through Messrs Sachdev & Sachdev, Advocates,
Kisumu, Petitioners

versus

1. Syed Abdullah, represented by Dr. T.
Jones, Advocate, defendant.
2. Yusuf Jumaan al Zawawi
3. Salim " "
4. Juma and " "
5. Salim " "
6. Abdin " "
7. Said " "
8. Hamisi " "
9. Sarim " "
10. Sarim " "
11. Sayed Ali Ahmed al-Zawawi
All represented by Mr. T. Jones, Advocate,
Kisumu.

12. Jumaan Bin Yusuf, Wali, Kisumu, Co-defendant
represented by Mr. Sikand, Ex parte, Kisumu
13. Fundi, Advocate, Kisumu.
14. Syed Abdullah al-Nabhan of Kibos village
15. Ahmed Abdullah al Jumaan, of Kibos village
16. Ahmed Yusuf Ibin
" " "

Attorney General -

Petition for Revision.

Take notice that the Court will be moved on the day of 19 at 9 o'clock in the forenoon or so soon thereafter as counsel can be heard by the Petitioners for an order that leave may be granted for the withdrawal of the above suit under section 6 of the Land Adjudication (Kisumu) Order-in-Council, 1924, on the ground that adjudication of the boundaries of the area in which the land in dispute is situated has been completed.

Dated this 12th day of January 1953.

Sd. Sachdev & Sachdev
Petitioners' Advocates.

To:
1. Dr. Colin Jones, Advocate, Kisumu
2. Sheikh T. Omar Alhamsy, Kisumu.
3. T. M. Amin, Advocate, Kisumu.
4. Mr. Sikand, Advocate, Kisumu.
5. Ahmed Saleh Jumaa al Zawawi, Kibos
6. Ahmed Salim al Jumaan, Kibos village
7. Ahmed Yusuf Ibin al Zawawi

A.A.

GOVERNMENT OF PALESTINE

IN REPLY PLEASE QUOTE

No. Gen/33/2053

THE DISTRICT COURT,

HAIFA

25th December, 1939

The Crown Counsel
Jerusalem.

G.A.28/56

Subject:- Land Case No. 50/38
Abdul Pattah El Jaber and others.
v.
Aron Mas'oud and others

Reference:- Your G.A.28/56-
9002 of 19.12.39.

The notice of motion sent under cover of your letter under reference is returned.

2. It would seem that this notice of motion refers to an action in some other Court. We have no case between these parties.

URGENT

Naim Bey
28.12.

S.A. Hakim
REGISTRAR

GA.28/56

19th December 1939.

Registrar,
Land Court,
Haifa.

Subject:- Land Action No.50/38.

I enclose herewith a Notice of Motion in the abovementioned case, together with copies thereof, and shall be glad if it may be filed in the usual way.

CROWN COUNSEL. P.A.

AK

B

G.A.28/56

In the Land Court of ~~Haifa~~ Nablus.

Land Action No. 50/38.

1. Abdel Fattah el-Jabr
2. Aref Mahmoud Taha
3. Mohammad ed-Dib
of Maskeh village, Tulkarm Sub-District,
represented by Walid Salah, Advocate,
through Jamal Hamid's Office, Advocate,
Kingsway, Haifa. PLAINTIFFS

v.

1. Aron Mas'ud, represented by Mr. T. Ades, Advocate, Jerusalem.
2. Yousef Muhammad el Khateeb
3. Saleh " "
4. Muhammad " "
5. Salha " "
6. Amina " "
7. Sara " "
8. Halimeh " "
9. Safia " "
10. Sara Bint Ahmad el-Salameh
All represented by Mr. Y. Amon, Advocate, Jerusalem.

11. Hassan Ibn Hussein Ismail el-Abdallah
represented by Mr. Eliash, M. Kehaty, and I. Olshan, Advocates, Jerusalem.
12. Abd Al-Hafez Zuhud of Miskeh village
13. Ahmad Mahmoud Ali Dahmash of Miskeh village
14. Ahmad Yousef Jabr " " DEFENDANTS

Attorney General - THIRD PARTY

NOTICE OF MOTION.

Take notice that the Court will be moved on the day of at o'clock in the forenoon or so soon thereafter as counsel can be heard by the abovenamed Third Party that leave may be granted for the withdrawal of the above action under section 6 of the Land (Settlement of Title) Ordinance Cap.80 Drayton, Vol.II p.855, on the ground that notification of the settlement of the area in which the land in dispute is situated has been published.

Dated this 19th day of December 1959.

CROWN COUNSEL. P.A.

To: 1. Walid Eff. Salah, Advocate, Haifa.
2. Tawfiq Eff. Adas, Advocate, Jerusalem.
3. Y. Eff. Amon, Advocate, Jerusalem.
4. Mr. Eliash, Advocate, Jerusalem
5. Abdul Hafez Zuhud of Miskeh village
6. Ahmad Mahmoud Ali Dahmash of Miskeh village
7. Ahmad Yousef Jaber of Miskeh village.

MT/AK

Testing

Albert Bey

Secretly the Plaintiffs

Prest. the 7th persons to

withdraw the action.

We did not file it

[illegible]

July
Sunday

1938

August						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

24

July						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

31st week

7

205 – 160

GOVERNMENT OF PALESTINE

IN REPLY PLEASE QUOTE
No. GP/5/2

DEPARTMENT OF LANDS & SURVEYS.
JERUSALEM.

URGENT

14th December, 1939.

Crown Counsel.

GOVERNMENT OF PALESTINE
CROWN COUNSEL
15 DEC 1939

G.A.28/56.

Subject:- Ghabet Miska Masha' - Land Appeal 50/38(Nablus).

Reference: Your G.A.28/56 dated 5th December, 1939.

I enclose copy of a letter No.9/4-1069 of the 5th November, 1939 from the District Court, Nablus, addressed to the Settlement Officer, Tulkarm, and I should be obliged if every endeavour is made to move the Court, under Sec.6 of the Land (Settlement of Title) Ordinance to grant leave for the withdrawal of the action. This action will then be heard by the Settlement Officer and this will enable him to complete the Land Settlement of Ghabet Miska which has been outstanding for several years.

2. Would you also please apply to the Court to set down the action for hearing as an alternative in the event that the move for the withdrawal is rejected by the Court. Settlement Officers are interested that the peculiar issues involved in this case be considered and decided on their merits, and it is

Noted BY 15.12.

./.

desirable that the action shall not be dismissed for formal reasons under Rule 141 of the Civil Procedure Rules, 1938. The term for lodging the application for listing the case for hearing expires on the 8th of January, 1940.

A/COMMISSIONER OF LANDS
AND SURVEYS.

Copy to Settlement Officer, Tulkarm.
Ref.his 5/Ghabet Miska of 17.11.39 and telephone conversation, enclosing copy of Crown Counsel's letter G.A.28/56 of 5.12.39.

D.

C o p y .

9/4/1069

The District Court,
Nablus

5th November, 1939.

The Settlement Officer,
Tulkarm Settlement Area,
Tulkarm.

In re: Aref Abdul Fattah Jabr & 2 others

vs.

Aron Mas'oud and 13 others.
Formerly Land case No.24/32.
present number 50/38.

Reference: Your letter No.5/Shabat Miska of 2nd November, 1939.

This case which involves the forest of Mikheh, consisting of numerous plots, amongst which are Ard el Wotet Wadi Ard El Kiameh and Ard El Marj, was filed in the Land Court of Nablus on 28rd November, 1932. After several adjournments upon the application of the parties the Court ordered (on 29th June, 1936) that the case be struck out with leave to renew without payment of fees, within a period of six months.

2. The case was thereupon renewed on 29th December, 1938. Under the Civil Procedure Rules, 1938, an application for the determination of issues was filed and the issues were determined on 9th October, 1939. At present we are awaiting an application by either party for the case to be listed for hearing before the Court. If no such application is made within the time prescribed by the rules the provisions of s.141(proviso) will be brought into operation.

3. With regard to your application for the case to be sent to you for hearing I wish to draw your attention to s.6 of the Land(Settlement of Title) Ordinance whereby an action may be withdrawn with the leave of the Court upon application.

Sgd. Sh. Muhtadi.
Registrar
District Court Nablus.

G.A.28/56

5th December 1939.

Commissioner for Lands and Surveys.

Subject:- Ghabet Miskeh Masha'.

Reference:- Your GP/5/2 of 15.11.39.

As far as I am aware, there is one land action in respect of Ghabet Miskeh Masha' now pending before the Land Court, Nablus.

Documents and correspondence in respect of this case which are in my possession indicate that this case was originally started between a certain Abdul Fattah Jaber and two others of Miskeh village as plaintiffs and Aron Masud and thirteen others, apparently all of Miskeh village as defendants. The action was registered in the Nablus Land Court under No.84/32.

2. On 23.10.33 an application under article 117 of the Ottoman Code of Civil Procedure was filed on behalf of the Attorney General in the Land Court Nablus for leave to be joined as a Third Party in the action and on 20.3.34 there was a difference of opinion between the President and the other member of the Land Court Nablus as to whether Government should be allowed to join as a Third Party (President allowing the other member dissenting) with the result that the Government was not accepted to join as a Third Party.

3. On 13.4.34 an appeal was lodged on behalf of the Attorney General in the Supreme Court which was registered under Land Appeal No.40/34, with the result that the judgment of the Land Court was set aside and Government allowed to join as a Third Party. The judgment of the Supreme Court is dated 24.7.35.

4. For some reason or other, however, presumably for want of prosecution on behalf of the plaintiffs, the case was struck out on 29.6.38 and then renewed by the plaintiffs on 28.12.38 allegedly under the same old number i.e.84/32, but summonses which have recently been received in this office indicate that a new number i.e. 50/38 was given to the renewed action.

5. On 12.4.39, appearance was entered for the Attorney General in the above renewed action and a statement ofdefence was filed on behalf of the Attorney General in the Land Court Nablus, sitting at Haifa on 12.4.39 and issues were settled on 9.10.39.

P.A.

6. I think it will take one year at least before the case is finally decided and in the circumstances, I believe that it would be speedier if the Settlement Officer were to hear the action. If I agree to the case being transferred to the Settlement Officer, I will move the Court under section 6 of the Land (Settlement of Title) Ordinance to grant leave for the withdrawal of the action but I cannot anticipate what will be the fate of the motion as Government is not concerned with the question of the ownership of the lands in dispute and the Plaintiff and defendants may oppose our motion, otherwise the only course would be to leave the case in the hands of the Land Court, Nablus and to ask it to expedite the action.

7. A thorough search is being made in this office and that of Mr. Kantrovitch to trace your file No.GP/5/2.

(Sgd.) N. J. Hogg

CROWN COUNSEL.

NT/AK

S.A 26/56

December 1939

Commissioner for Lands and Surveys.

Subject:- Ghabet Mishkeh Musha'

Ref:- your S.P.15/12 of 15.11.39

As far as I am aware there is one land action pen in respect of Ghabet Mishkeh Musha' now pending before the Land Court, Nablus.

Documents and correspondence in respect of this case which are in my possession discloses the facts that this case originally started between a certain Abdul Fattah Jaber and two others of Mishkeh village as plaintiffs and Aran Masud and thirteen others, apparent of all of Mishkeh village as defendants. The action was registered in the Nablus Land Court under No 84/32

2 on 23.10.39 an application under Article 117 of the Ottoman Code of Civil Procedure was filed on behalf of the Attorney General in the Land Court Nablus for leave to be joined as a Third Party in the action & on 20.3.39 there was a difference of opinion between the President & Member of the Land Court Nablus as to whether Govt should be allowed to join as a Third Party (President allowing & Member

dissenting) with the result that the grant was not accepted to join as a Third Party

3. On 13.4.34, an appeal was lodged ~~in the Supr~~ on behalf of the Attorney General in the Supreme Court which was registered under ~~no~~ Land Appeal No 40/34, with the result that the judgment of the Land Court was set aside & grant allowed to join as a Third Party. The ~~same date~~ ~~of the~~ judgment of the Supreme Court is dated 24.7.35

4. For some reason or other, however, presumably for want of prosecution on behalf of the Plaintiffs, the case was struck out on 29.6.38 and then renewed by the Plaintiffs on 28.12.38 allegedly under the same old number i.e 84/32, but summonses which have recently been received in this office indicate that a new number i.e 50/38 was given to the renewed action.

5. On 12.4.39, appearance was entered for the Attorney General in the above renewed action and a statement of Defence was filed on behalf of the Attorney General in the Land Court ~~Haila~~ Nakuru, sitting at Haila on 12.4.39 & issues were settled on 9.10.39.

6. I think it will take one year at least before the case is finally decided & in the circumstances I believe that it would be speedier if the Settlement Officer were to hear the action. If you will agree to the case being transferred to the S.O. I will move the Court under section 6 of the Land (settlement of Title Act) to grant leave for the withdrawal of the action ~~from the~~ but I cannot anticipate what will be the fate of the motion as ~~[illegible]~~ grant is not concerned with the question of the ownership of the lands in dispute & the Plaintiff & defendants may appose our motion, otherwise the only course ~~[illegible]~~ would be to leave the case in the hands of the Land Court, rather & ask it to expedite the

action.
7. Clearance search is being made in this Office & the Min Kantoornotit & Trans from the No 6.P./5/2.

N.T.

O.C

GOVERNMENT OF PALESTINE

IN REPLY PLEASE QUOTE
No. GP/5/2

DEPARTMENT OF LANDS & SURVEYS,
JERUSALEM.

15th November, 1939.

Crown Counsel.

GOVERNMENT OF PALESTINE
CROWN COUNSEL
18 NOV 1939
34/1116
NEW RUSSIAN BUILDINGS
JERUSALEM

Subject:- Ghabet Miska Masha'.

Reference: Attached letter Case No.5/Ghabet Miska of 2.11.39 from S.O. Tulkarm to Registar Land Court Nablus, and my (case 5/Ghabet) GP/5/2 (Miska) of to-day with copy to you.

Could you throw some light ~~into~~ on this matter and endeavour to expedite the hearing of the action referred to by the Settlement Officer ?

I should also be obliged if a search can be made in your office for this Department's file GP/5/2 on the subject of Government Property in Ghabet Miska which is missing. Perhaps Mr. Kantarovitch, Registrar of Companies, can help in this matter.

A/COMMISSIONER OF LANDS
AND SURVEYS.

Naim Bey
18.11.

A.

GP/5/2

15th November,1939.

Settlement Officer,
Tulkarm Settlement Area.

Subject:- Ghabet Miska Masha'.

Reference: Your Case 5/Ghabet Miska of 2.11.39 to Registrar, Land Court, Nablus, copy to me.

Could you please furnish the reference No. of the case affecting the tenure of Ghabet Miska lands which is pending before the Nablus Land Court ?

This office file GP/5/2 on the subject of Government property in Ghabet Miska is missing and it is thought that it may have been tucked in your case or other file by inadvertance. I shall be obliged if you will cause a search to be made and inform me of the result.

A/COMMISSIONER OF LANDS
AND SURVEYS.

Copy to: Crown Counsel.

A.

C O P Y.

Case 5/Ghabat Miska

2nd November,1939.

Registrar,
Land Court, Nablus.

Subject:- Ghabat Miska Masha', Tulkarm.

Ghabat Miska is now the only unsettled tract of land in the Southern part of Tulkarm Sub-District. I have been instructed by my department to finish the settlement and the files of the case (my No.5/Ghabat Miska) have just been sent to me.

I found a note in the case file, No.T/48 written on 19th February,1934 by the Settlement Officer in Haifa, in which it is stated "A case is pending in the Land Court at Nablus which affects the nature of the tenure, as I understand, of the whole of the Ghabat Miska lands. His Honour, the President of the Land Court, has kindly undertaken to expedite the hearing of the action (or possibly actions) outstanding in his Court in respect of the Ghabat Miska lands".

I wish to inquire about the fate of this case which it was promised to expedite nearly six years ago. The settlement of six registration blocks is affected by the delay, and I should be grateful if the case could be heard by the Land Court or sent to me for hearing.

(Sgd) J.A.O'Connor.

SETTLEMENT OFFICER,
TULKARM SETTLEMENT AREA.

Copy to A/Commissioner of Lands and Surveys
Jerusalem.

Legal 5.

No. of File .....

GOVERNMENT OF PALESTINE
ATTORNEY GENERAL
GOVERNMENT OFFICES
4 - OCT 1937
A6/537/34 - 2

PALESTINE

نموذج ٥ قضائي
משפטים מס. 5

رقم الملف
מספר התיק

اراضي
٢٢/٨٤

SUMMONS TO PARTIES
(CIVIL ACTION)

اعلان الاخصام הזמנה לצדדים

(للشخص الثالث المسائف)

(دعوى حقوقية) (משפט אזרחי)

Tul. Karem 28 Oct.

Court of ..... محكمة اراضي نابلس المنعقدة في طولكرم
בית משפט

To ..... الى سعادة النائب العام بالقدس عبد الحلوم
ל

No. of Action ..... رقم الدعوى ٢٢/٨٤ اراضي
מספר המשפט

Names of Parties ..... اسماء الاخصام المسائف علام المدعيه عبد الفتاح عبد وعارف محمود ومحمود الدرب مرسكه
שמות הצדדים والمدعى عليهم قادر وسعود ويوسف محمد الخطيب واخوانه صالح ومحمد وصالح وابنه وسارة
وحليمه وصالح وسارة احمد سلامه من دير الغصون وحسن حسين اسماعيل عبد الله من الندابة
وابنه عبد الحميد حسن محمد الزهد واحمد يوسف جابر واحمد الدرعي من كفر

Take notice that the above action will be heard on ..... الخميس ٢٧/١٠/٣٧ الساعة ٨,٣٠ صباحاً

نبلغك ان الدعوى المبينة اعلاه ستنظر في يوم
נודיעך כי המשפט הנזכר לעיל יבורר ביום

and that you are required to appear on that day. الدعوى عن اراضي القسم والمرج والوسطه
ويقتضي حضورك في اليوم المذكور
ודרוש שתהיה נוכח ביום הנ"ל

Date ..... ٢٧/٩/٣٧ التاريخ .....

I certify that on ..... I served a copy of this summons to .....

اثبت اني في يوم ..... بلغت صورة عن هذا الاعلان الى .....
הנני מאשר כי ביום ..... מסרתי העתקה מהודעה זו ל .....

Process-Server.
المباشر השמש

Witnesses.
الشهود העדים

Recipient.
المعلن اليه מקבל ההודעה

Important—Any *alteration* made in this form *must be initialled* by the issuing officer.

تنبيه مهم :— يجب التوقيع على اي تغيير يحدث في هذا الانموذج من المأمور الصادر منه .

חשוב—כל שנוי על הטופס הזה, צריך להיות חתום ע"י הקצין המוציא.

GPP. 537—50,000—15-3-36—65/8.

Legal 5.

No. of File .....

PALESTINE

نموذج ٥ قضائي
משפטים מס. 5

رقم الملف .....
מספר התיק

اراضي
٢٤/٨٤

SUMMONS TO PARTIES
(CIVIL ACTION)

اعلان الاخصام הזמנה לצדדים

(للشخص الثالث المسائف)

(دعوى حقوقية) (משפט אזרחי)

Court of محكمة اراضي نابلس المنعقدة في طولكرم
בית משפט

To سعادة النائب العام بالقدس عن الحكومة
ל

No. of Action رقم الدعوى ٨٤/٢٤ اراضي
מספר המשפט

Names of Parties اسماء الاخصام المسائف علام المدعية عبد الفتاح جبر وعارف محمود طه ومحمد الدرب من سكة
שמות הצדדים والمدعى عليهم قعار وبه مسعود ويوسف محمد الخطيب واخوانه صالح ومحمد وحالمه وابنه وسارة
وحليمه وصالح وسارة احمد سلامه من دير نظام وحسن حسين اسماعيل عبد الله من الندابة
وابنه عبد الحفيظ حسن محمد الزهد واحمد يوسف جابر واحمد الدحس من سكة

Take notice that the above action will be heard on الخميس ٢٧/١٠/٢٠٠٨ الساعة ٨/٢٠ صباحاً

بلغك ان الدعوى المبينة اعلاه ستنظر في يوم
נודיעך כי המשפט הנזכר לעיל יבורר ביום

and that you are required to appear on that day. ويقتضي حضورك في اليوم المذكور الدعوى عن اراضي القسمة والمرج والوسطة
ודרוש שתהיה נוכח ביום הנ"ל

Date ٢٧/٩/٢٠٠٨ التاريخ .....

I certify that on ..... I served a copy of this summons to .....

اثبت اني في يوم ..... بلغت صورة عن هذا الاعلان الى .....
הנני מאשר כי ביום ..... מסרתי העתקה מהודעה זו ל .....

.....

Process-Server.
المباشر השמש

Witnesses.
الشهود העדים

Recipient.
المعلن اليه מקבל ההודעה

Important—Any *alteration* made in this form *must be initialled* by the issuing officer.

تنبيه مهم :— يجب التوقيع على اي تغيير يحدث في هذا الانموذج من المأمور الصادر منه .

חשוב—כל שנוי על הטופס הזה, צריך להיות חתום ע"י הקצין המוציא.

grp. 557—50,000—15-3-36—65/8.

2nd June, 1937.

In the Land Court Nablus
sitting at Tulkarm.
- - - - - - - - - - - - - -

Land Case No. 84/32.

Owing to pressure of work Mr. Salant of this Department, who is appearing in the above case, was yet unable to go through the file of the case, and as this case was fixed for the 5th July, 1937, I shall be grateful if you will adjourn it to another suitable date. I understand that the other parties have no objection to the adjournment.

(Sgd) ALAN ROSE
SOLICITOR GENERAL.

سيد افندي

الرجا حفظ الملف

معك ريثما يطلع محامو

المدعى عليهم على خط جلسة

محمد بنقاط الخلاف فقط واعلام

المكتب ان الملف موجود معك

وادى ذمته الى بعد اصدار الحاجة

على الخط

نعيم

28/10/16

28.10

Legal/5

نموذج ٥ قضائي
טפסים מספר 5.

GVI R
PALESTINE

NOTICE OF HEARING.

اعلان سماع دعوى

הודעה לשמיעת משפט.

In the Land Court of Jaffa محكمة בבית המשפט

To Crown Counsel Jerusalem الى ל

Land

Case / Appeal No. 50/38 رقم قضية / استئناف

GOVERNMENT OF PALESTINE
CROWN COUNSEL
27 SEP. 1939
88/56
NEW RUSSIAN BUILDINGS
JERUSALEM

מס' המשפט / העתירה

Abdel Fattah Jalu

v. ضد נגד

Harun Mas'ud Jathes

Take notice that the hearing of this case / appeal has been fixed for Monday the 9th day of October 1939, at 10,30 a.m.

خذ علماً ان سماع هذه القضية / هذا الاستئناف قد تعين ليوم في من شهر سنة ١٩ الساعة صباحاً

להוי ידוע לך ששמיעת המשפט / העתירה הזה נקבע ליום לחודש שנת 19 בשעה לפנה"צ.

instead of 27.9.39

Date 23.9.39 التاريخ תאריך

Seal of Court
ختم المحكمة
חותמת בית־המשפט

Signature of Clerk امضاء الكاتب חתימת המזכיר

I certify that on I served a copy of this notice on

بلغت صورة عن هذا الاعلان الى اثبت على اني يوم

מסרתי העתקה מהודעה זו ל הנני מאשר שביום

Process-Server
المباشر
השמש

Date التاريخ תאריך

Witness
شاهد
עד

Recipient
المبلغ اليه
המקבל

GPP. 8850—20,000—19-5-37. 440/S.

Legal/5

نموذج • قضائي
משפטים מספר 5

PALESTINE

Land 50/38

٢٨/٥ الاحق

NOTICE OF HEARING.

اعلان سماع دعوى

הודעה לשמיעת משפט.

In the Land Court at Nablus محكمة בבית המשפט

GOVERNMENT OF PALESTINE
CROWN COUNSEL
20 SEP 1939
38/56
NEW RUSSIAN BUILDINGS
JERUSALEM

To Crown Counsel
Jerusalem
الى
ל

Case / Appeal No. 50/38 قضية / استئناف رقم
המשפט / הערעור מס'

Abdul Fattah Jabir & others

v. ضد נגד

Aron Masud & others

Take notice that the hearing of this case / appeal has been fixed for Wednesday the 27th day of September 1939, at 8 a.m.

خذ علماً ان سماع هذه القضية / هذا الاستئناف قد تعين ليوم ..... في ..... من شهر ..... سنة ١٩ الساعة صباحاً

להוי ידוע לך ששמיעת המשפט / הערעור הזה נקבע ליום ..... לחודש ..... שנת 19 בשעה ..... לפנה"צ.

For determination of issues

Date 17.9.39 التاريخ תאריך

Seal of Court
ختم المحكمة
חותמת בית־המשפט

Signature of Clerk Adely امضاء الكاتب חתימת המזכיר

I certify that on ..... I served a copy of this notice on .....

..... بلغت صورة عن هذا الاعلان الى ..... اثبت على اني بيوم

מסרתי העתקה מהודעה זו ל ..... הנני מאשר שביום

Process-Server
المباشر
השמש

Date ..... التاريخ תאריך

Witness
شاهد
עד

Recipient
المبلغ اليه
המקבל

GPP. 8850—40,000—19-5-37. 441/R.

Legal/5

نموذج ٥ قضائي
משפטים מספר 5

PALESTINE

Land 50/38

٢٨/٥ اراضي

NOTICE OF HEARING.

اعلان سماع دعوى

הודעה לשמיעת משפט.

In the Land Court at Nablus محكمة בבית המשפט

To Crown Counsel الى ל
Jerusalem

Case / Appeal No. 50/38 رقم قضية / استئناف מס' המשפט / הערעור

Abdul Fattah Jabri & others

Aron Masud & others

Take notice that the hearing of this case / appeal has been fixed for Wednesday the 27th day of September 1939, at 8 a.m.

خذ علماً ان سماع هذه القضية / هذا الاستئناف قد تعين ليوم في من شهر سنة ١٩ الساعة صباحاً

להוי ידוע לך ששמיעת המשפט / הערעור הזה נקבע ליום לחודש שנת 19 בשעה לפנה"צ.

For determination of issues

Date 17.9.39 التاريخ תאריך

Seal of Court
ختم المحكمة
חותמת בית־המשפט

Signature of Clerk Adly امضاء الكاتب חתימת המזכיר

I certify that on I served a copy of this notice on

بلغت صورة عن هذا الاعلان الى اثبت على اني بيوم

מסרתי העתקה מהודעה זו ל הנני מאשר שביום

Process-Server
المباشر
השמש

Date التاريخ תאריך

Witness
شاهد
עד

Recipient
المبلغ اليه
המקבל

GPP. 8855—40,000—19-5-39. 443,S.

عدد

تبليغ: [illegible] رسمية [illegible] الناج في القدس المحترم

٤. رسمية والأنيه

٢٩/٩/١٨

٢) ان المدعى عليه ١ ينكر ما جاء بلائحة دعوى المدعيين وبالخاصة

آ ـ ان اراضي مسقه هي كلها حرش

ب ـ بان الاراضي المذكورة هي مشاع البلد

ج ـ بان الاراضي المذكورة تسجلت على اسامي بعض الاهالي بصفة اسم مستعار

د ـ بان ارض الوطاة الوسطى وارض القسمه وارض المرج هم جزء من حرش مسقه المزعوم وانها مشاع البلد

هـ ـ وان الحصص المزعومه عند المدعى عليه رقم ١ لم تكن ملك الراهنين

٣) وبطريق التوكيد نقول اذا زعمنا المستحيل وفرضنا بان ادعاء المدعيين بكون الاراضي ثلاث القطع من اراضي مسقه وهي ارض الوسطى وارض المرج وارض القسمه كانت مقيده بالطابو على اسم مورثهن الراهنين بصفة اسم مستعار وهذا لا يؤثر على حقوقه كونه قام الرهنيه بحسن نيه بالاستناد على قيود طابو رسميه

٤) هذه قدمنا سبعة نسخ من اللائحه الجوابيه هذه منهم ثلاثة للمحكمه وواحده الى وكيل المدعيين والثلاثه الاخرين الى المدعى عليهم ١٢ و ١٣ و ١٤ ولما بقية المدعى عليهم فقد تبلغوا بصوره خصوصيه

٥) للأسباب المعروضه فان المدعى عليه (١) يطلب رد دعوى المدعيين المتوجهه ضده والحكم عليهم بمصاريف المحاكمه واجرة المحاماه

وتفضلوا بقبول الاحترام

في ١٩٣٩/٤/٣

لدى محكمة الأراضي بحيفا الموقره

قضيه اراضي نومرو ٣٢/٨٤

المدعيون ١) عبد القادر الجبر من قرية مسكه
٢) عارف محمود الدآه " " "
٣) محمد الذيب " " "

وكيلهم المحامي وليد افندي صلاح بواسطة المحامي جمال افندي حامد شارع الملوك حيفا

المدعى عليهم ١) هارون محمود وكيله المحامي توفيق عدس من القدس بواسطة المحامي مخائيل افندي عطا الله حيفا
٢) يوسف بن محمد الخطيب
٣) صالح " " "
٤) محمد " " "
٥) صالحه بنت " "
٦) امينه " " "
٧) ساره " " "
٨) حليمه " " "
٩) صافيه " " "
١٠) ساره بنت احمد السلامه

وكيلهم المحامي بومتو آمون من القدس بواسطة المحامي مخائيل منصور عطا الله بحيفا

١١) حسن بن حسين اسطيل العبد الله وكلائه المحاميون الياس وكباني واولشن بالقدس
١٢) عبد الحافظ زعد من قرية مسكه
١٣) احمد محمود علي الدحص من قرية مسكه
١٤) احمد يوسف جابر " " "

لائحه جوابيه مقدمه من طرف المدعى عليه نومرو (١) ردا على لائحة الدعوى المقدمه من طرف المدعيين

١) من دون الاعتراف بالحقوق التي يدعي بها المدعيون فان المدعى عليه ١ يقول بان هذه الدعوى لا يجوز سماعها

اولا – لمرور الزمان

ثانيا – لعدم الخصومه حيث لا يحق للمدعيين اقامة الدعوى من اهل القريه

ثالثا – لجهالة المدعى به كون المدعيون لم يحددوا حصصهم المدعى بها فيما اذا كانت الدعوى شخصيه عن انفسهم

NOTICE OF MOTION.

In Land Case No. 84/32.

Abdul Fattah El-Jabr and others.	PLAINTIFFS
v.	
Aron Mas'ud and others	DEFENDANTS.
The Attorney General	THIRD PARTY.

Take notice that the Court will be moved on the 17th day of September 1939 at 8 o'clock in the morning or so soon thereafter as counsel can be heard, by the above named plaintiffs, that the issues in the above mentioned case be determined and that the costs of this application be provided for.

Dated this 23 day of June 1939.

E. of S. signed & returned on 23-8-39.
pA

ATTORNEY FOR PLAINTIFFS
Salah
W. Salah, Adv. - Haifa.

TO: Attorney General

APPLICATION FOR DETERMINATION
OF ISSUES

In the Land Court of Haifa.

Abdul Fattah El-Jabr and others	PLAINTIFFS.
v.	
Aron Mas'ud and others	DEFENDANTS.
The Attorney General	THIRD PARTY.

Land Case No. 84/32.

Application is hereby respectfully made that the issues in the above mentioned case be determined in accordance with the Rules of Court 1938.

ATTORNEY FOR PLAINTIFFS

Salah

W. Salah, Adv. - Haifa.

TO : Attorney General

Dated the 21st. day of June 1939.

G.A.28/56

Registered

14th April, 1939.

Registrar,
Land Court,
Haifa.

Subject:- Land case - Abdul Fattah Jaber and others v. Aron Mas'ud and others.

I send you herewith a written statement of defence and copies thereof together with a memorandum of appearance for the Attorney General in the above action.

(Sgd.) M. J. Hogan
CROWN COUNSEL.

IS/AK.

P.B.

G.A.28/56.

In the Land Court of Haifa.

Land Case No.

Abdul Fattah Jaber and others — PLAINTIFFS

v.

Aron Mas'ud and others and Attorney General — DEFENDANTS

MEMORANDUM OF APPEARANCE.

Enter an appearance for the Attorney General in this action.

Filed this 12th day of April, 1989.

(Sgd.) M. J. Hos...

CROWN COUNSEL.
P.O.B.1068, Jerusalem.

NT/AK.

2. The statement of claim does not contain a description of the property, sufficient to identify it or the number in a register or survey as required by rule 10 of the Civil Procedure Rules, 1938, and the Plaintiffs' action must therefore fail.

3. The Plaintiffs cannot cite the Attorney General as a third party as the Civil Procedure Rules now in force do not provide for such citation. If the Plaintiffs desire to cite the Attorney General as defendant they should specify the relief they are seeking against him.

4. The Attorney General is a stranger to the statements of fact contained in the statement of claim and does not admit them.

5. The Attorney General submits that the tenure of land which the Plaintiffs claim to hold is a tenure not recognised by Palestine law and denies that the lands the subject matter of this action were and are Musha'a for the inhabitants of Miskeh village.

For the above reasons it is prayed that the action against the Attorney General may be dismissed with costs and advocate's fees.

Filed on behalf of the Attorney General this 12th day of April, 1939.

(Sgd.) M. J. Hogan

CROWN COUNSEL.

NT
~~MJH~~/AK.

G'A.28/56

13th April, 1939.

Registrar,
Land Court,
Haifa.

Subject:-Land case - 'Abdul Fattah
Jaber and others v. Aron
Mas'ud and others.

I send you herewith a written statement of defence and copies thereof together with a memorandum of appearance for the Attorney General in the above action.

CROWN COUNSEL.

is

GOVERNMENT OF PALESTINE.

Tel. Address: Legality, Jerusalem

In reply please quote

No. .....

GOVERNMENT ADVOCATE'S OFFICE

LAW COURTS, JERUSALEM.

LAND APPEAL NO. 40/34

IN THE SUPREME COURT SITTING AS A COURT OF APPEAL.

BEFORE:- The Acting Senior Puisne Judge, Mr. Justice Frumkin, and Mr. Justice Abdul Hadi.

IN THE CASE OF:-

The Attorney General — APPELLANT

v.

1. Abd el Fattah el Jaber.
2. Aref Mahmud Taha.
3. Muhammad ed Dib.
4. Aharon Mas'ud.
5. Yusef Muhammad el Khatib.
6. Saleh Muhammad el Khatib.
7. Muhammad Muhammad el Khatib.
8. Salha Muhammad el Khatib.
9. Amineh Muhammad el Khatib.
10. Sara Muhammad el Khatib.
11. Halimeh Muhammad el Khatib.
12. Safiyeh Muhammad el Khatib.
13. Sara Ahmad Salameh.
14. Hasan Husein Ismail Abdullah.
15. Sheikh Abdel Hafez ez-Zuhd.
16. Ahmad Yusef Jaber.
17. Ahmad Mahmud Eli Dahmas. — RESPONDENTS.

Appeal from the judgment of the Land Court of Nablus, dated the 20th March, 1934.

--------oOo--------

JUDGMENT.

We are satisfied that the Government represented by the Attorney General has shewn sufficient interest in this action to entitle it to be joined as a party to the suit in accordance with Art. 117 of the Civil Procedure Code.

Accordingly, the appeal must be allowed, the judgment of the lower Court quashed and the Attorney General admitted as third party to the action.

DELIVERED this 24th day of July, 1935.

(SGD) Francis H. Baker
ACTING SENIOR PUISNE JUDGE.

Crown Counsel

We are ~~sum~~ summoned in this case as Third Parties. This action is a renewal of action 84/32 which was struck out on 29.6.38, and in respect of which an application by the ex-attorney general to join on behalf of the Govt as third party to the action was refused by the Land Court, Nablus on 20.3.34 (see please judgment of the Land Court, marked A). Consequently, the attorney general appealed to the Supreme Court (please see statement of appeal marked B) and I am not aware what was the result of the appeal which seems to be immaterial since the case was struck out and ~~not~~ we ~~have~~ have been cited as third party by the ~~app~~ plaintiffs in the new action

2 The grounds on which the ex-attorney general applied to be joined as third party to the action were:-

(1) That the tenure of land which the plaintiff claimed to hold that of "Musha'a zuhur" (ie held alternatively in the common possession of the adult male villagers of Mistah village) was a tenure not recognized by the Palestine law.

(2) That even if such a form of tenure did exist the Govt of Palestine was entitled to be admitted as a third party to oppose the claims of the Plaintiffs that the particular land in dispute was held under "Musha zuhur" tenure

The reasons which prompted the ex-attorney general to submit the statement of appeal were that:-

(a) a form of tenure of the nature

claimed, if recognized by the Court would result in the creation of a new category of land which it is considered would be contrary to public policy.

(b) If the tenure claimed is recognized the Govt would suffer loss of:—

(1) registration fees

(2) succession fees

(c) such other fees as are payable on land which may be freely disposed of i.e mortgage fees etc.

(see please page 2 of the statement of ~~claim~~ appeal marked B)

as regards the opinion expressed in the 1st ground of the statement of appeal I am of the opinion that although the Palestine law does not recognize such a tenure, yet ~~the~~ such tenure does in fact exists and indeed in many villages of Palestine, as a matter of fact the Palestine Courts have recognized such tenure of "Moushá Zurkan" (see please annotation 1(c) to Land Appeal No 121/26 P. 234 P.L.R. vol. I) Further, I am inclined to think that the existence of such a tenure does ~~not~~ not creat a new ~~of~~ category of land but there is of course a difference namely ~~instead~~ the land being possessed ~~by~~ by registered in the name of ~~an~~ an individual, it is registered in the care of

"Mineral Rights" therein is the reserve of rights of the mail writers but not in the same full & therein is referred, & therefore strictly if the ~~are mails~~ writers of a writer.

In regards the opinion expressed in the second paragraph of the statement of affairs I think the Plaintiffs counsel had not sufficient instructions to the general nature of a mineral reporting the indestructibility of coal mining operations & the effect that the land in dispute was subject to the terms of "Mineral Rights"

(see pleadings Para 6 of land defined No 12/26 on p. 39 of P.C.R. and E. of Annotation 1(a) of f.a. 121/26 p. 214 P.L.R. Ind.I)

On the other hand the defendants not having millions of tons of mineral wealth (unless land gets returned) or authorised by the Plaintiffs in their statement of claim, but millions of tons of mineral wealth can only be extracted by the Government land lease as a ~~[illegible]~~ business of coal mining ~~[illegible]~~ been in constitutional possession of the land in dispute for more than ten years

(see pleadings annotation 2(a) of f.a. 121/26 p. 254 P.L.R. Ind.I)

If you decide that we should pass on ~~[illegible]~~ that only we have to go an appearance within 15 days from the date

Yours
[illegible]

claimed, if recognized by the Court would result in the creation of a new category of land which it is considered would be contrary to public policy.

(b) If the tenure claimed is recognized, the Govt would suffer loss of:—

(1) registration fees

(2) succession fees

(c) such other fees as are payable on land which may be freely disposed of i.e mortgage fees etc.

(see please page 2 of the statement of ~~claim~~ appeal marked B)

as regards the opinion expressed in the 1st ground of the statement of appeal I am of the opinion that although the Palestine law does not recognize such a tenure, yet ~~the~~ such tenure does in fact exists and ~~in~~ indeed in many villages of Palestine, if as a matter of fact the Palestine Courts have recognized such tenure of "Mirusha Zuken" (see please annotation 1(c) to Land Appeal No 121/26 P. 234 P.L.R. vol. I) Further I am inclined to think that the existence of such a tenure does ~~not~~ not creat a new ~~of~~ category of land but there is of course a difference namely ~~vested~~ the land being passessed ~~by~~ by if registered in the name of ~~an~~ an individual, it is registered in the case of

"Musha Zuken" tenure in the names of some of the male villagers but not in the name of all & possession is shared in common alternatively by the ~~so~~ male villagers of a village.

as regards the opinion expressed in the second ground of the statement of appeal, I think the plaintiffs could lead no evidence contrary to the general rule of evidence regarding the indmissibility of oral evidence against a grant to the effect that the land in dispute was subject to the tenure of "Musha Zuken".

(see please para 6 of land appeal No 122/24 on P. 39. P.L.R. vol. IV. & annotation 1(a) of L.A. 121/26 P. 234 P.L.R. vol. I

On the other hand, the defendants not being villagers of Mishleh village (where land ~~of~~ is situated) as ~~admitted~~ contended by the plaintiffs in their statement of claim, but villagers of Deir Biryam village can rely on article 20 of the Ottoman Land Code as to ~~limita~~ limitation of actions, if they ~~are in a~~ have been in undisturbed possession of the land in dispute for more than ten years (see please annotation 2(a) of L.A. 121/26 P. 234 P.L.R. vol. I

If you decide that we should join as ~~thirdy~~ third party we have to enter an appearance within 15 days from to day

Bar
3.4.39

IN THE LAND COURT OF HAIFA.

LAND CASE No. 84/32
HAIFA 28.12.38.

PLAINTIFFS: 1. Abdel Fattah el-Jabr.
2. Aref Mahmoud Taha.
3. Mohammad ed-Dib.
of Maskeh village, Tulkarm Sub-District,
Represented by Walid Salah, Advocate,
through Jamal Hamid's Office, Advocate
Kingsway, Haifa.

DEFENDANTS: 1. Aron Mas'ud, represented by Mr. T. Ades, Advocate, Jerusalem.
2. Yousef Muhammad el-Khateeb.
3. Saleh " "
4. Muhammad " "
5. Salha " "
6. Amina " "
7. Sara " "
8. Halimeh " "
9. Safia " "
10. Sara Bint Ahmad el-Salameh
All represented by Mr. Y. Amon Advocate, Jerusalem.
11. Hassan Ibn Hussein Ismail el-Abdalla, represented By Mr. Eliash, M. Kehaty, & I. Olshan, Advocates, Jerusalem.
12. Abd Al-Hafez Zuhud, of Miskeh village.
13. Ahmad Mahmoud Ali Dahmash " "
14. Ahmad Yousef Jabr, " "

Third party AG.

STATEMENT OF CLAIM.

(Renewal of case No. 84/32 Land which was struckout)
(on 29.6.38 with leave to be renewed without payment)
(of fees.)

Evidence of service trial adjourned along on us to enter an appearance was served on me on 3.4.39
Nair
3.4.39

The forest of Miskeh is Masha for the inhabitants of the said village. It consists of numerous plots which were fictitiously registered in the names of some of the inhabitants according to the Masha customs.

Ard el-Watat el-Wasat, Ard el-Kismeh and Ard el-Marj constitute a part of this forest which is Masha for the inhabitants of Miskeh village. These were registered in the Tabo in the year 88 in the names of Yousif and Abdulkader sons of Ibrahim and Hasan and Hussein and Ahmad sons of Ibrahim Ismail Abdulla. Now of same there is registered three quarters out of 24 in the names of the heirs of H asan and Hussein and Ahmad sons of Ismail Abdalla, 4 out of 24 in the

4 out of 24 in the name of Hasan Muhammad Zuhd, 4 out of 24 in the name of Yousif Jabr Muhsin, 4 out of 24 in the name of Abdelkader Ibrahim Abdalla, 4 out of 24 in the name Mahmud Ali Dahmas.

Defendants Nos. 2-10 are of the heirs of Hasan and Ahmad Abdalla Ismail Abdalla and are not of the inhabitants of Miskeh village but live in Khirbet Deir Nizam ~~Indam~~, Ramalla District and they are not of his male children but of a children of his daughter. These obtained an Ilam of inhabitants and transfered the share which was registered in the name of their testator to their names then mortgaged it with the first defendant as though it was their property although it is Masha and not the property of any of their testators. When the villagers were informed of this they lodged a claim against the mortgagee which was entered sub number 84/32. That case requires correction as it is necessary to summon all the mortgagors who are registered to prove that the shares which were registered in their names and mortgaged by them in the said three plots to be apart of the masha and not their property nor their testator. We also summoned the defendant No. 11 on behalf of the heirs of Hasan and Husein and Ahmad cildren of Ismail el-Abdalla and Abdelkader Ibrahim Abdalla. And defendant No. 12 on behalf of the heirs of Hasan Mohammad Zuhd and defendant No. 13 on behalf of their heirs of Yousif Jabr el-Hasan. And defendant No. 14 of behalf of the heirs of MohammadAli Dahmas.

Certificate of succession

This statement of claim and the original record and incidental Tabo registrations in respect of the three mortgaged plots including those shares and filed in case No. 84/32(Land).

We pray that the same be served on defendants Nos. 2-14 and that the latter be summoned and judgment be entered cancelling the said Tabo registrations and ordering registration of the said three plots as masha for the whole village.

Salah.
attorney for Plt

IN THE LAND COURT OF HAIFA.

LAND CASE NO.84/34.
HAIFA. 28.12.38.

PLAINTIFFS: Abdel Fattah el-Jabr
and others.

v.

DEFENDANT: Aron Mas'ud and others.

THIRD PARTY The Attorney General.

To A.G. Jerusalem.

Whereas Abdel Fattah el-Jabr and others have instituted an action against you for declaring the lands described in the statement of claim a copy of which is attached hereto as Masha. You are hereby summond to cause an appearance to be entered for you in the said action within 15 days of service of this summons upon you, inclusive the day of service.

Take notice that, in default of your so doing the Plaintiff may proceed therein and judgment may be given in your absence.

Dated this 3rd day of Jan. 1939

S. Mahtadi
Registrar,
District Court, Haifa.

IN THE LAND COURT OF HAIFA.

LAND CASE NO.84/38.
HAIFA. 28.12.38.

PLAINTIFFS: Abdel Fattah el-Jabr
and others.

v.

DEFENDANT: Aron Mas'ud and others.

THIRD PARTY The Attorney General.

To A.G. Jerusalem.

Whereas Abel Fattah el-Jabr and others have instituted an action against you for declaring the lands described in the statement of claim a copy of which is attached hereto as Hasha. You are hereby summond to cause an appearance to be entered for you in the said action within 15 days of service of this summons upon you, inclusive the day of service.

Take notice that, in default of your so doing the Plaintiff may proceed therein and judgment may be given in your absence.

Dated this 3rd day of Jan. 1939

Dr. Muhtadie
Registrar

Land 84/32/1456

Land case 84/32

IN THE LAND COURT AT NABLUS.

IN THE MATTER OF LAND CASE 84 of 1932

ABDUL FATTAH EL JABR & OTHERS — PLAINTIFFS

vs.

HAROH MASOUD & OTHERS — DEFENDANTS

To:- Crown Counsel file of

Whereas the plaintiffs in the above proceedings have repeatedly asked the Court for adjournment of this case on account of their counsel's being unable to enter Palestine, and

In view of Defendants' application dated 26th June, 1938, for adjournment of the hearing of this case;

THEREFORE, TAKE NOTICE that the Court has granted Defendants' application dated 26th June, 1938, for adjournment of the case and ~~and~~

That the Court has further ordered that the case be struck out with leave to renew without payment of fees within 6 months.

DATED this 29th day of June, 1938.

Sh. Dultadin
REGISTRAR
LAND COURT NABLUS

Legal/5

نموذج • قضائي
משפטים מספר 5

GVI R
PALESTINE

٨٤/٢٤ اجل

NOTICE OF HEARING.

اعلان سماع دعوى

הודעה לשמיעת משפט.

In the ..... Court محكمة اراضي نابلس المنشأة في طولكرم
בבית המשפט

To ..... الى
ל

الساكن الآن في القدس
بصفة شخص ثالث
والى مستشار التاج - القدس

..... Case / Appeal No. قضية / استئناف رقم ٢٤/٨٤ اجل
המשפט / הערעור מס'

عبد الفتاح الحمد دريغاه ومسكه

v. נגד ضد

هارون سعود دريغاه

Take notice that the hearing of this case / appeal has been fixed for .....
the ..... day of ..... 19 . at a.m.

خذ علماً ان سماع هذه القضية / الاستئناف قد تعين ليوم الاثنين في ٤ من شهر ٧ سنة ١٩٤٨ الساعة ٩ صباحاً
להוי ידוע לך ששמיעת המשפט / הערעור הזה נקבע ליום ..... לחודש ..... שנת 19 בשעה ..... לפה"צ.

Date ٢٨/٦/٤٠ التاريخ / תאריך

Seal of Court
ختم المحكمة
חותמת בית־המשפט

Signature of Clerk امضاء الكاتب / חתימת המזכיר

I certify that on ..... I served a copy of this notice on .....
بلغت صورة عن هذا الاعلان الى
מסרתי העתקה מהודעה זו ל

اثبت على اني بيوم
הנני מאשר שביום

Informed by the Registrar at 12 o'clock - from Nablus that case has been struck out and that they were meeting here accordingly. F.T.G.

Date التاريخ / תאריך

Process-Server
المباشر
השמש

30/6

Witness
شاهد
עד

Having discussed with Mr Kantorowitch who advised that as the block is opening all we have to do is to send someone out to court. So we again discussed the matter and as that found he suggested said Sgt. should go. F.T.G. 30/6.

Recipient
المبلغ اليه
המקבל

GPP. 8850—80,000—19-5-4 44/S

بند
١٨٥

للتبليغ - لجنة مستشار - نتائج إعداد المحتوم

٢٨/٦/٢٠ جمعة

عد السجل